

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:95-CR-105 CAS
	)	
TERRY MICHAEL CORBETT,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant Terry Michael Corbett's letter motion to recall the detainer lodged against him and dismiss the case as expired. The government opposes the motion. For the following reasons, defendant's motion will be denied.

**Background.**

On August 25, 1995, following Corbett's guilty plea to a one-count indictment under 18 U.S.C. § 922(b)(1), the Court sentenced Corbett to one hundred twenty months imprisonment and two years supervised release. On November 21, 2002, the Federal Bureau of Prisons transferred Corbett to Dismas House in St. Louis, Missouri, where he remained in the custody of the Bureau of Prisons. On May 16, 2003, Corbett was released from Dismas House and his two-year period of supervised release began. The Notice of Release and Arrival issued when Corbett was released from Dismas House states in pertinent part that (1) Corbett was not previously released on the sentence; (2) Corbett was released from Dismas House on May 16, 2003, and (3) Corbett was instructed to report to his probation officer within 72 hours of release for "Two Years Supervised Release to follow with a special Drug and Alcohol Aftercare Condition." See Ex. A to Govt's Response. The Court issued a petition for warrant/summons for offender under supervision on January 13, 2005.

**Discussion.**

Corbett asserts that his two-year term of supervised release commenced in November 2002 upon his arrival at Dismas House and expired in November 2004. Thus, Corbett contends that the Court no longer had jurisdiction over him as an offender under supervision when it issued the warrant in January 2005.

The government responds that Corbett remained in the custody of the Bureau of Prisons when he was transferred to Dismas House, and that his two-year supervised release period did not begin until he was released from Dismas House on May 16, 2003. The government states that the supervised release period extended until May 16, 2005, and therefore Corbett was still under supervision when the warrant issued in January 2005.

The Court has the authority to revoke a term of supervised release pursuant to 18 U.S.C. § 3583(e)(3). The Court finds that Corbett was not placed on supervised release until May 16, 2003, when he was discharged from Dismas House. Therefore, Corbett was under supervised release when the warrant issued on January 13, 2005. Corbett's motion should therefore be denied.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Terry Michael Corbett's informal letter motion to recall the detain and dismiss the case as expired is **DENIED** . [Doc. 51]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 30th day of September, 2005.